Indiana Election Commission
Minutes
May 12, 2020

Members Present: Paul Okeson, Chairman of the Indiana Election Commission ("Commission"); S. Anthony Long, Vice Chairman of the Commission; Suzannah Wilson Overholt, member; Zachary E. Klutz, member.

Staff Attending: Angela M. Nussmeyer, Co-Director of the Election Division; Matthew Kochvar, Co-General Counsel of the Election Division; Andrew Lang, Co-General Counsel of the Election Division; Abbey Taylor, Election Division campaign finance director; Michelle Thompson, Election Division campaign finance director.

1. Call to Order:

The Chair called the May 12, 2020 meeting of the Commission to order at 1:00 p.m. EST online via a Zoom virtual meeting room that was moderated by Stewart Richardson.

2. Transaction of Commission Business:

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Maria Collier of Stewart Richardson Deposition Services, which is incorporated by reference into these minutes.

The Commission corrects the following scrivener's errors in this document:

Page 3, line 23, replace “conn” with “call”.

The Commission adjourned its meeting at 1:37 p.m. EST.

Respectfully submitted,

J. Bradley King
Co-Director

Angela M. Nussmeyer
Co-Director

APPROVED:

Paul Okeson, Chairman
In the Matter Of:

INDIANA ELECTION COMMISSION PUBLIC SESSION

Transcript of Proceedings

May 12, 2020
INDIANA ELECTION COMMISSION
PUBLIC SESSION

Conducted on: May 12, 2020

Conducted Remotely via Videoconference

A Stenographic Record by:
Maria W. Collier, RPR, CRR

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APPEARANCES

INDIANA ELECTION COMMISSION:
Paul Okeson - Chairman
S. Anthony Long - Vice Chairman
Suzannah Wilson Overholt - Member
Zachary E. Klutz - Member

INDIANA ELECTION DIVISION STAFF:
Angela M. Nussmeyer - Co-Director
Matthew Kochevar - Co-Counsel
Andrew Lang - Co-Counsel
CHAIRMAN OKESON: Okay. We'll go ahead and get started, unless there's any objections. Today is Tuesday, May 12, 2020. I call to order the Indiana Election Commission meeting, seeing that there's a quorum. Myself present, Chairman Paul Okeson, Vice Chairman Anthony Long, Member Suzannah Wilson Overholt, and Member Zachary Klutz are all in attendance, as well as Election Division staff, Co-Director Angie Nussmeyer and Andrew Lang, standing in as co-director and co-counsel, as well as Co-General Counsel Matthew Kochevar.

We welcome again our court reporter, Maria Collier, from Stewart Richardson Deposition Services.

Once again, we are doing this meeting via Zoom obviously, and I want to remind everyone to please state your name, although she will be able to see the screen as you are speaking, and please refrain from speaking at the same time as others.

Again, just to remind everyone, even though this meeting is open to the public and it is a virtual meeting, Stewart Richardson will sort of keep control of the conn and keep everybody muted so that we can hear the participants of the commission. So unless you are recognized to speak
by us, please refrain from doing so.

I'd like now for the Election Division staff
to confirm that proper public notice was given for
this meeting.

MR. LANG: Yes, it has, Chair.

CHAIRMAN OKESON: Okay. So the meeting was
posted on the 8th outside the Election Division for
public edification. We have a couple things on the
agenda today. I don't suspect we'll get into great
detail. Most of this is cleanup work.

We have, I believe, the last four Election
Commission meeting minutes that have yet to be
approved, so with that, we'll get started on those.
I recognize the co-director to present the meeting
minutes from February 21, 2020.

MS. NUSSMEYER: Good afternoon, Mr. Chairman,
members of the commission. As Chair Okeson
mentioned, we do have four sets of meeting minutes.
I know that I have been able to review all of
those, and I believe my counterpart, Mr. Lang and
Mr. King, have also had the opportunity to review.
Any scrivener's errors we have noted, and that was
primarily in the February 21st meeting. The other
minutes we found no scrivener's errors. And with
that, I would recommend approval of all four sets
of minutes when you reach those points in the
agenda today.

CHAIRMAN OKESON: Point of order. Can we just
make a motion to approve all four sets or do we
need to do them individually?

MS. NUSSMEYER: I believe you can do all four
sets collectively. I would defer to counsel if
they feel differently.

CHAIRMAN OKESON: Co-Counsel Kochevar?

MR. KOCHEVAR: I concur with Angie on that.

CHAIRMAN OKESON: Co-Counsel Lang, you good
with that?

MR. LANG: I concur as well.

CHAIRMAN OKESON: Just as a matter of keeping
things moving, is there a motion to approve all of
the minutes from February 21st, March 25th,
April 17th, and April 22nd?

VICE CHAIRMAN LONG: So moved.

MR. KLUTZ: So moved.

CHAIRMAN OKESON: Is there a second?

MR. KLUTZ: I'll second.

CHAIRMAN OKESON: Any discussion on the
matter?

(No response.)

CHAIRMAN OKESON: Hearing none, all those in
favor? I'll go down the list just so we can make
Stewart Richardson capture this easily.

Vice Chairman Long?

VICE CHAIRMAN LONG: Aye.

CHAIRMAN OKESON: Commissioner Overholt?

MS. OVERHOLT: Aye.

CHAIRMAN OKESON: Commissioner Klutz?

MR. KLUTZ: Aye.

CHAIRMAN OKESON: I am aye as well. The "ayes" have it and the motion to approve all four
of the past meeting minutes is approved.

Next on the agenda, we have sort of some
cleanup from some past orders as it relates to
expiration of dates, as we all know, due to the
ongoing COVID-19 pandemic. We're readopting some
past orders, 2020-37 and 2020-40, to extend them
for an additional 30 days from their current
expiration dates. So as a reminder, these orders
pertain to matters surrounding the moving of
primary election from May 5th to June 2nd.

I move that we adopt what is now called
Order 2020-44, which has been posted at the Indiana
Election Commission's web page and can be found on
the Secretary of State's website for those of you
who are interested. For purposes of discussion, is
there a second to my motion?

VICE CHAIRMAN LONG: Second.

CHAIRMAN OKESON: Noting a second. Any discussion? Do we need to review any of the finer points of what this does? I think it's pretty clear. Section 1 extends --

Yes. Go ahead.

MS. OVERHOLT: Sir, before you review the sections, there were some -- I was hoping to have perhaps an update from staff regarding absentee applications. But if you want to go through the provisions first, I could ask those questions later.

CHAIRMAN OKESON: Yeah. If it doesn't pertain to the vote on this order, we'll give you an opportunity to talk about that after we vote on this. Is that okay?

MS. OVERHOLT: Sure.

CHAIRMAN OKESON: Are you hearing me okay? I'm getting an unstable connection on my end.

MS. OVERHOLT: Yeah. People are going in and out. Can you hear me pretty well?

CHAIRMAN OKESON: Yeah.

Any other discussion? We have a motion and a second on adoption of Order 2020-44.
(No response.)

CHAIRMAN OKESON: Hearing none, all those in favor please signify by "aye."

Vice Chairman Long?

VICE CHAIRMAN LONG: Aye.

CHAIRMAN OKESON: Vice Chairman -- excuse me. Commissioner Overholt?

MS. OVERHOLT: Aye.

CHAIRMAN OKESON: Commissioner Klutz?

MR. KLUTZ: Aye.

CHAIRMAN OKESON: And I have an aye as well.

The "ayes" have it and the order is adopted unanimously.

Can I get consent by the commission members for the Election Division staff to sign this order with our stamps?

MR. KLUTZ: I consent.

VICE CHAIRMAN LONG: I give my consent.

MS. OVERHOLT: Yes.

CHAIRMAN OKESON: Before we move on, Commission Member Overholt, if you wanted to ask some questions, please feel free to do so.

MS. OVERHOLT: Sure. I was just wondering if the staff had any statistics regarding the number of absentee ballot applications that had been
requested so far.

    CHAIRMAN OKESON: Co-Director Nussmeyer, do
you want to respond first?

    MS. NUSSMEYER: Oh, sure, Mr. Chairman, glad
    to. So this morning I get a daily report on
    absentee statistics. And so at midnight, we had
    roughly 275,000 absentee applications requested in
    the state, and I'm sure the number continues to
    grow as counties work through and approve
    applications today. So that is a sizable number of
    absentee ballot requests in the state of Indiana,
    and it's not been -- it's not typical volume in
    most election cycles, I will just say, at least
    since 2008.

    And just a reminder to those who are listening
on the call today, that is, if you have an absentee
ballot application -- well, if you want to request
a ballot to vote by mail, you have until May 21st,
which is next Thursday, to apply, which you can do
through a paper application or now use the online
application found on Indianavoters.com.

    And we heard today from our vendor that
roughly 10 percent or so of all the applications
coming through right now are through the online
module, which is pretty sizable considering we've
only had it out for about ten days or so. And then
if you do have an absentee ballot, it needs to be
in your county election board's hands by noon on
election day. So just to make sure that folks are
aware of those deadlines coming up.

But the volume is pretty significant, and it
will be a fairly large shift in the way that many
counties will do business on election day with
their central count. So I suspect that election
results probably won't be readily available
election night, depending on how much absentee
traffic the counties are seeing.

So I hope that's helpful information to
everybody.

CHAIRMAN OKESON: Do you -- quick question
from my end. I'm sorry, Suzannah. I'm sure you'll
have some more.

Do you post the statistics on the Election
Division website or are they available to the
public to kind of track absentee ballot activity?

MS. NUSSMEYER: I'm not aware of anything we
do on a daily basis. After the election, we'll
have statistics that sort of break out absentee
versus election day voting, but that absentee
number is everything all grouped together, which
would be walk-in traffic, travel board, mail, and
then for our military and overseas voters fax and
e-mail. But I'm not aware of anything that provides
those stats on a daily basis.

If you are a voter who has requested an
absentee ballot, you can go to Indianavoters.com
and log back in to your My Voter Portal, and you
can see that your application has been received and
then the date the ballot was mailed or at least the
label was created to mail the absentee ballot out
and then also when the county receives your ballot
back in. So the voter has that individualized,
tailored experience, but there's not, that I'm
aware of, any sort of cumulative number posted
anywhere in real time.

CHAIRMAN OKESON: And, again, the number you
quoted, 275,000, was purely those requested? That
doesn't include those that were voluntarily mailed
out on behalf of county clerks or county parties or
anything like that? We have no way of knowing,
right?

MS. NUSSMEYER: Right. We only know what is
received by the counties when they enter the data
into the system. So the system doesn't know if
there are applications sitting on someone's desk to
be processed, for example.

But they would know once things coming through online they're able to review and approve. Those applications and things that come through email, fax, or mail in terms of the absentee applications, once they get the data entry and attach it to that voter, then that's when it appears in the system as either a count in the report that I'm referring to or, if you're a voter going to the website, you're able to see if that application has been received and if the ballot's been mailed.

CHAIRMAN OKESON: Thank you.

Sorry. Commissioner Overholt, please proceed with any questions you might have.

MS. OVERHOLT: Thank you. Well, I think that, based on these numbers, I'm just -- I just raise this because I think this is something we need to keep an eye on, and I continue to be concerned about the ability of the system actually to ensure that -- you know, with the number of requests coming in, to get them mailed out to people and to get the requests processed.

And perhaps, you know, I think something we really should continue to think about is extending the application for -- the application deadline for
the absentee ballots. You know, we've talked about
this before, but perhaps moving, shortening --
well, I guess it's -- sorry -- keep making it
closer to the election, but to really think about
having that deadline be six days before the
election instead of the current election because,
with the number coming in and, I think, people --
just with what's going on, it seems like people are
going to continue to be assessing their situation
and perhaps, you know, feel the need to vote
absentee more at the last minute.

So I just think that is something that we
should give some serious thought to. I guess I
could put that in the form of a motion. I guess I
was interested in hearing, you know, thoughts about
it, but if you want me to make a motion, I can do
that.

CHAIRMAN OKESON: Well, exactly what would
your motion be, then?

MS. OVERHOLT: Well, it would be to change the
deadline for submitting absentee ballot
applications to six days before the election as
opposed to -- what is it, 12 now?

MS. NUSSMEYER: Correct. It's 12 days before
the election.
CHAIRMAN OKESON: I guess I --

MR. KLUTZ: Mr. Chairman, I've not heard --

CHAIRMAN OKESON: Sure. Commissioner Klutz, go ahead.

MR. KLUTZ: I guess, you know, it's something we could keep an eye on, but I've not heard of any election administrators having difficulty yet or at least had it come to my attention. I guess before I would be willing to consider a motion like that or another change of deadline I'd want to know that there is a problem before we try to fix something. I'm not interested in fixing a problem if there's not a problem.

CHAIRMAN OKESON: My concern would be that that may increase the volume of stress that's put on the county clerks, but I'd defer to -- maybe, Co-Counsel Lang, you might want to chime in on that.

VICE CHAIRMAN LONG: Could I step in and second her motion so we get it on the floor for discussion?

CHAIRMAN OKESON: Well, I don't think she's actually made the motion yet. I asked her what the motion would be.

MS. OVERHOLT: How about can I make the
VICE CHAIRMAN LONG: And then I'll second it.

MS. OVERHOLT: So my motion would be that we shorten -- that we change the deadline for absentee -- for applications for absentee ballots to be submitted so that they can be submitted up to six days before the June 2nd primary election.

CHAIRMAN OKESON: Okay. So there's a motion. And, Vice Chairman Long, would you like to formally second it?

VICE CHAIRMAN LONG: Yes, I do. I second that.

CHAIRMAN OKESON: So even though I didn't have this on the agenda, we'll go ahead and entertain it for discussion. Is there any? Commissioner Klutz, do you have anything to offer?

MR. KLUTZ: Well, I just -- I don't have enough information to know whether this is a good idea. I'd want to talk to election administrators. I know that before the election that they have these deadlines so they can pivot to other tasks and responsibilities for conducting an election, and putting this even closer to administration of elections in person, I don't know the impact.
And so I'm not in favor of this unless I have more information that, one, there's a problem or, two, the county administrators think that they can handle a shortened time frame.

CHAIRMAN OKESON: Yeah. I certainly don't -- I understand the logic behind your motion, Commissioner Overholt. You know, but it's sort of brought up here ad hoc, and having not had time to consider it and to consider the impact of movement of that date on the counties and the administrators and, to Commission Member Klutz's point, not knowing if there's an urgent need to fix anything at this point, unfortunately, I would vote no on this motion. But that doesn't mean we couldn't bring it up in the future should we need another meeting prior to the primary.

VICE CHAIRMAN LONG: Mr. Chairman, if I might, this is the kind of a motion that I don't think we're fixing a problem that exists, but we're anticipating a problem that is realistic to anticipate. I see, in my mind, giving the voters an additional six days in which to file their applications, given the fact that the Secretary has started the advertisements and the encouragements -- and I know all of us have been
doing the same -- for people to take advantage of this because of the risk that the voter exposes themselves to and, of course, in deference to other voters and most certainly the workers at the polls -- this has been one of my biggest concerns are the health aspects of it -- that even if this motion -- I think it's a good idea to do. I supported it back before. I did not anticipate this, like you, Mr. Chairman, coming up today, but at the same token, I think the fact that we're discussing it is important and, from what you said, that I think we have to -- however this motion goes, if it passes, number one, the issue, that's settled. If it does not pass, then I think from your comments, Mr. Chairman, that we have to be -- have our finger on the pulse here and be prepared before the 21st or as we approach the 21st to have another meeting wherein we can further discuss this and see if there's empirical data that would support it that would satisfy anybody's uncertainty at this point in time. Or if, as Commissioner Klutz has indicated he'd like to have some input from the election administrators, you know, I think those are things -- any concern that anybody would have that would precipitate a no vote, that would
certainly afford you the opportunity to assuage those concerns.

CHAIRMAN OKESON: Sure. I appreciate your comments, and, again, I think they're -- I don't find them -- they're on point certainly. But, again, I think, as a largely volunteer board as we are, we both rely heavily on the counsel and advisement of co-directors and co-counsel, and having not had opportunity to consider this motion and having just, again, voted unanimously on a previous order that locks and affirms many of these dates in, it doesn't seem prudent to me to vote on a motion to sort of modify or change orders that we've previously voted unanimously to approve without some further data and discussion.

But, you know, I recognize we're growing closer to the dates where these discussions are relevant. But as I said, based on it primarily being brought up for the first time in this meeting after having just voted on Order 2020-44, I would tend to vote no on this today. And I think we will continue to, as we have all along, rely on good co-counsel and co-directors on both sides here, keep our fingers on the pulse, and monitor this closely.
And certainly that means, if you wanted, you could withdraw the motion and we could continue to consider it or we can simply vote on it and reconsider it at another time. But as of now, we have a motion and a second. Any further discussion?

VICE CHAIRMAN LONG: May I ask a question of Commissioner Overholt?

CHAIRMAN OKESON: Sure. Go ahead.

VICE CHAIRMAN LONG: Suzannah, I'm thinking out loud, but procedurally -- and I agree with the spirit of your motion. Understanding that there's some concern here and the possibility of this not being successful, what would your feeling be if a motion to lay this motion on the table were made along with a commitment for a meeting sometime before the filing deadline and request that the staff --

(Dogs barking.)

CHAIRMAN OKESON: Somebody didn't like what you had to say.

VICE CHAIRMAN LONG: Bring your dog along with them.

CHAIRMAN OKESON: Well, Co-Counsel Lang, could you chime in. So we have a motion and a second.
My knowledge of Robert's Rules say that we have to vote on it. Is there a process by which, as Vice Chairman Long has offered, that maybe that motion could be set aside or tabled or withdrawn in some way?

And if I'm mischaracterizing your statements, Vice Chairman, please correct me.

VICE CHAIRMAN LONG: My question was what her feeling would be about a motion to lay the motion on the table, in accordance with Robert's Rules of Order, that it has to then come up at the next meeting, as I understand them. I'm no expert on them, but I had occasion to read them, and I even ordered the updated book. I haven't read it since I got it, but I was concerned on another discussion we had about how we had to do things within our party, and that was my -- I wasn't researching for this meeting. I want to make sure everybody knows that. It was for a central committee meeting of the Democratic party.

CHAIRMAN OKESON: Too bad Robert isn't around to consult on his rules.

Co-Director Lang, could you weigh in on that, please.

MR. LANG: The motion certainly could be
tabled for consideration at a subsequent meeting, if so desired.

CHAIRMAN OKESON: Correct me if I'm wrong. We do not have, as of current, a meeting scheduled prior to the primary; is that correct?

MR. LANG: That is correct, Chairman.

VICE CHAIRMAN LONG: That was a part of my question, that we would -- as a part of laying it on the table, we would agree to have a meeting before the 21st in order to consider extending the deadline if there appears to be a need for the same.

CHAIRMAN OKESON: So moving on the motion as you suggested it requires a meeting prior to the 21st; correct?

VICE CHAIRMAN LONG: I haven't made a motion, but that would be an integral part of it. This is a part of the discussion on this to move us through an area of possible disagreement to a vehicle to put us in a position to research further, receive input as we would desire, and then make a decision which would be in the best interest of the citizens of Indiana.

CHAIRMAN OKESON: Co-Counsel Lang, if we voted on this motion and it failed, would there be
anything precluding the motion from being brought forth in a future meeting?

MR. LANG: I believe if the motion was tabled, it could be brought up again at a subsequent meeting, but I would also defer to my counterpart on that matter.

CHAIRMAN OKESON: I'm saying if it's voted on and it fails, can a similar motion be brought again in a future meeting?

MR. KOCHEVAR: Mr. Chairman, I have some knowledge in Robert's Rules of Order. To answer your more immediate question, if the main motion that we have that was brought by Commissioner Overholt were to fail, it's my belief that at a future meeting that would be called by yourself, a similar motion could be made again. I think that -- I think in the history of this commission that has happened before, a motion failed at one meeting, then there was reconsideration, the motion was made again, and it passed.

And then also, in addition, if Vice Chair Long were to make a motion to table, the actual terminology he would want to use is a motion to postpone to a certain time. Motions to table are just to table something to a future part of the
meeting. If you want to continue a matter into
another future meeting, you want to use a motion to
postpone.

MR. KLUTZ: Mr. Chairman, my only concern with
this is creating some kind of uncertainty or
expectation by election administrators that this
decision has not been determined and that the
deadline for returning these absentees is somehow
in flux and will be determined at another date. I
don't think that's the case.

The case is we have not extended the deadline,
and if circumstances require it, we would be
willing to meet. But the way this is being teed up
is that there's, to me, uncertainty as to the
deadline. And I would rather have this motion be
voted upon and then, if facts necessitate, we meet
again and vote on it again. But I'm very hesitant
to create uncertainty with 92 county administrators
thinking there is another meeting, thinking that
there is either a likelihood or possibility or not
of when these absentee ballot applications are due.

CHAIRMAN OKESON: I'm thinking the same thing.
I think we need to leave this meeting with the
certainty that's been unanimously voted on in the
previous orders. And to your well-made point,
Commission Member Klutz, if there's a need to revisit it, we certainly can do so without locking in any confusion today.

So with that, I will go ahead and take a vote on the motion offered by Commission Member Overholt and seconded by Long. All those in favor?

VICE CHAIRMAN LONG: Aye.

MS. OVERHOLT: Aye.

CHAIRMAN OKESON: Commission Member Klutz?

MR. KLUTZ: Nay.

CHAIRMAN OKESON: I'm a nay as well. The motion fails. I will, before moving on to the next matter on the agenda, do, though -- really more towards Co-Counsel Kochevar's comments, in the spirit of working through this, should we have another meeting before the primary and need to bring this up, I'll certainly entertain a motion again if we need one.

With that, we have some remaining campaign finance settlement agreements. We need to ratify some settlement agreements. I recognize the Election Division's campaign finance staff, Ms. Taylor and Ms. Thompson, to present the information concerning, I guess, at least one campaign finance agreement entered into on behalf
of the commission. Ms. Taylor --

MS. THOMPSON: Mr. Chairman --

CHAIRMAN OKESON: Yes.

MS. THOMPSON: Can you hear me?

CHAIRMAN OKESON: Yes, I can.

MS. THOMPSON: Okay. Mr. Chairman, members of
the commission, Michelle Thompson here. You were
sent a list of committees to ratify that have
agreed to pay a settlement agreement and waive a
hearing.

CHAIRMAN OKESON: Is there a motion to ratify
those? Well, is Ms. Taylor present? Would she
like to offer anything in addition?

(No response.)

CHAIRMAN OKESON: Okay. Is there a motion to
ratify those campaign finance settlement agreements
as they are presented?

VICE CHAIRMAN LONG: Mr. Chairman, may I make
a disclosure?

CHAIRMAN OKESON: Sure.

VICE CHAIRMAN LONG: I'm a member of the State
Bar Association, which I believe is on the
settlement list. It was sent to me earlier with
the CBA conflicts. If they are settlements, I
don't think that it creates a conflict for me, but
I wanted to make the disclosure if anybody has any objection.

As I say, I think I'm a member of the State Bar. My wife takes care of those memberships. I may or may not be. Those dues may have resulted in a new tree or something at the house. But notwithstanding, I make that disclosure and indicate I don't intend to disqualify myself unless someone propose that I do so.

CHAIRMAN OKESON: I certainly do not. Do any other members have any issues with Vice Chairman's disclosure?

MR. KLUTZ: No.

MS. OVERHOLT: No. Well, and I would say I think I am -- I'm not sure, but I think I am also a member of the State Bar Association. So I would make the same disclosure, and I don't think that it is reason to disqualify myself.

CHAIRMAN OKESON: I appreciate the disclosures.

VICE CHAIRMAN LONG: I think we'll probably get an award for outstanding members. But with that comment, I'll make a motion we approve the agreement.

CHAIRMAN OKESON: Thank you. Is there a
second?

MR. KLUTZ: Second.

CHAIRMAN OKESON: Thank you, Commissioner Klutz.

All those in favor please signify by "aye."

Vice Chairman Long?

VICE CHAIRMAN LONG: Aye.

CHAIRMAN OKESON: Commissioner Overholt?

MS. OVERHOLT: Aye.

CHAIRMAN OKESON: Commissioner Klutz?

MR. KLUTZ: Aye.

CHAIRMAN OKESON: I am too an aye. The motion passes and the agreements have been ratified -- or adopted. Excuse me.

Next we have approval of campaign finance Orders 2020-5 and 2020-36. I again recognize Ms. Thompson and Ms. Taylor of the Election Division to present the information concerning several finance orders.

MS. THOMPSON: Mr. Chairman, members of the commission, Orders 2020-5 through 2020-36 have been prepared from the actions taken at the February 21st meeting, and these orders are ready for adoption.

CHAIRMAN OKESON: Is there a motion to adopt
the campaign finance orders as presented by
Ms. Thompson?

MR. KLUTZ: So moved.
VICE CHAIRMAN LONG: I --
CHAIRMAN OKESON: We've got a motion from
Commission Member Klutz. I'll take a second from
Vice Chairman Long.

VICE CHAIRMAN LONG: Okay.
CHAIRMAN OKESON: Any discussion?
(No response.)
CHAIRMAN OKESON: Hearing the desire for none,
all those in favor signify by "aye."
Vice Chairman Long?

VICE CHAIRMAN LONG: Aye.
CHAIRMAN OKESON: Commission Member Overholt?
MS. OVERHOLT: Aye.
CHAIRMAN OKESON: Commissioner Klutz?
MR. KLUTZ: Aye.
CHAIRMAN OKESON: I too am aye. The "ayes"
have it. The motion is adopted.
I believe that wraps up our business for
today.

VICE CHAIRMAN LONG: Mr. Chairman.
MR. KOCHEVAR: Mr. Chairman.
CHAIRMAN OKESON: Yes.
MR. KOCHEVAR: Oh, I'm sorry. I'll defer to Vice Chairman Long first, but I do have a point to make about signatures.

CHAIRMAN OKESON: Yeah. Vice Chairman Long, go ahead.

VICE CHAIRMAN LONG: We have -- this isn't on the agenda. I think I did communicate with you earlier that it's an issue that I think we might want to address today, and that's the fact that we have litigation pending regarding the fall election.

CHAIRMAN OKESON: Yeah.

VICE CHAIRMAN LONG: I don't want you to take my comments as indicating I favor it. I personally believe it's an untimely lawsuit, with all due respect to the participants and the parties in it. I think their motivation is not improperly placed.

But I think it might be an order that we consider having an executive session regarding pending litigation with our staff and the counsel from the Attorney General's Office to allow them our thoughts and the benefit of our thoughts as to how they might consider proceeding in this matter.

CHAIRMAN OKESON: Yeah. I apologize I didn't make mention of that. But I'd like an opportunity
to confer with Co-Counsel Lang and some others
first just to see sort of what ground we're on.
There may be some question as to our
representation, whether that remains with the
Attorney General or we go out. There's some
questions there that I want to confer with.

But your point is well made, and my
presumption is at this point that we probably
would. Again, I would have to check with
Co-Counsel Kochevar and Lang as to whether and how
an executive session might work in this environment
but may very well seek to do so here in the next
day or so.

VICE CHAIRMAN LONG: It's just information,
and that's all I was asking for, the thoughts on
it --

CHAIRMAN OKESON: I agree.

VICE CHAIRMAN LONG: -- since I have a little
bit of an advantage over everyone else in that I've
been here a lot longer. We've had these a number
of times in the past, and they're completely
appropriate for nonpublic executive sessions with
regard to litigation issues. And that's one of the
key words to them is "pending litigation."

CHAIRMAN OKESON: Yeah.
VICE CHAIRMAN LONG: That's why I used those words.

CHAIRMAN OKESON: You've been there and done that, huh?

VICE CHAIRMAN LONG: Yeah. It's not my first rodeo.

MS. NUSSMEYER: Mr. Chairman, if I might, though, even with an executive session, we have to give 48-hour public notice of the session, so just something to keep in the back of your brain as you kind of move forward in thinking about when this might happen.

CHAIRMAN OKESON: Okay. So Co-Counsel Lang and I discussed briefly, prior to this meeting, connecting on that, and your point is well made, Co-Director Nussmeyer. So we'll rally on each side of this and figure out the right timing of it and may very well then issue a notice for intention as such.

VICE CHAIRMAN LONG: All right. That's all I had.

CHAIRMAN OKESON: Perfect. And then, Co-Counsel Kochevar, did you have something you needed to cover?

MR. KOCHEVAR: Yes, sir. Your asking for
consent to apply signatures, if I remember correctly, only applied to Order 2020-44, so I think you need to ask for consent to apply the members of the commission's signatures to Orders 2020-5 through 36 as well as your signature to the meeting minutes.

VICE CHAIRMAN LONG: I give mine.

CHAIRMAN OKESON: Did I not give mine to the meeting minutes? I apologize. I do consent. You're saying we only recognized -- so we need consent for signatures on Orders 2020-5 and 2020-36? Is that it, Co-Counsel Kochevar?

MR. KOCHEVAR: 5 through 36.

CHAIRMAN OKESON: Yes. Sorry. 5 through 36.

MR. KOCHEVAR: All of the orders.

CHAIRMAN OKESON: Yeah. I certainly consent to mine.

VICE CHAIRMAN LONG: I consent.

MR. KLUTZ: I consent.

MS. OVERHOLT: I consent.

CHAIRMAN OKESON: Perfect. Okay. Now I believe we're done for the day.

VICE CHAIRMAN LONG: I move we adjourn.

CHAIRMAN OKESON: I second. All those in favor?
VICE CHAIRMAN LONG: Aye.

MR. KLUTZ: Aye.

CHAIRMAN OKESON: Thank you very much. Enjoy the rest of your week.

VICE CHAIRMAN LONG: Stay safe, my friends.

CHAIRMAN OKESON: You too, sir.

(The Indiana Election Commission Public Session was adjourned at 1:37 p.m.)
STATE OF INDIANA
COUNTY OF HAMILTON

I, Maria W. Collier, a Notary Public in and for said county and state, do hereby certify that the foregoing public session was taken at the time and place heretofore mentioned between 1:00 p.m. and 1:37 p.m.;

That said public session was taken down in stenograph notes and afterwards reduced to typewriting under my direction; and that the typewritten transcript is a true record of the public session;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 14th day of May, 2020.

[Signature]

Maria W. Collier
NOTARY PUBLIC SEAL
STATE OF INDIANA
Commission No. N9656568
My Commission Expires Dec. 5, 2024

My Commission expires:
December 5, 2024

Job No. 152869
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